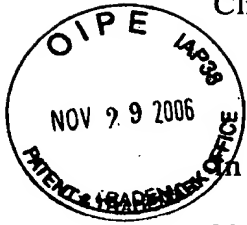


Attorney Docket: 061069-0260332
Client Reference: SPO-2384



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 5810

NISHIOKA

Application No.: 09/327,713

Group Art Unit: 2871

Filed: June 8, 1999

Examiner: CHIEN, LUCY P.

Title: VARIABLE OPTICAL-PROPERTY ELEMENT AND OPTICAL APPARATUS
INCLUDING THE SAME

* * * * *

DECLARATION UNDER 37 C.F.R. § 1.132 AND
M.P.E.P. § 716.10 ATTRIBUTING INVENTION
OF THE RELEVANT DISCLOSURE IN
U.S. PATENT NO. 6,888,590 TO APPLICANT

1. I, Kimihiko Nishioka, am the inventor of the subject matter of the above-entitled patent application (the '713 application). I work for Olympus Corporation, which has a business address at 43-2, Hatagaya 2-chome, Shibuya-ku, Tokyo 151-0072, Japan. I have assigned the rights to the '713 application to Olympus Optical Co. Ltd. on May 23, 1999. The corporate name Olympus Optical Co. Ltd was changed to Optical Corporation on October 1, 2003. I make this Declaration in support of the patentability of pending claim 126 (and, accordingly, the subject matter) of the above-entitled patent application.

2. I have read and am familiar with the contents of U.S. Patent No. 6,888,590 (the '590 patent), issued on May 3, 2005, for which I am a co-inventor and for which I have also assigned the rights to Olympus Optical Co., Ltd. While the claims of the '590 patent are directed to an optical apparatus comprising, for example, an optical system including an optical surface which has no axis of rotational symmetry and an optical element which has a variable optical characteristic, an image pickup device constructed and arranged to pick up an image formed by said optical system, a display function for displaying an image which is picked up, a microprocessor configured to process an output signal from said image pickup

device, and a memory configured to store said output signal, the '590 patent generally discloses an optical unit that relates to the subject matter of claim 126 of the '713 application.

3. I unequivocally state that I am the inventor of the subject matter that is claimed in claim 126 of the '713 application and is also generally disclosed in the '590 patent.

4. I hereby declare that all statements made herein are true and of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Kimihiko Nishioka

Signature

Nov. 29, 2006

Date

Name: Kimihiko Nishioka